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FISCAL IMPACT STATEMENT

LS 7831

BILL NUMBER: SB 506

NOTE PREPARED: Feb 18, 2003

BILL AMENDED: Feb 17, 2003

SUBJECT: Probation User's Fees.

FIRST AUTHOR: Sen. Meeks C

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- (A) It requires the county fiscal body to establish a salary schedule for probation officers, and permits the county fiscal body to make appropriations from the county supplemental juvenile probation services fund and the county supplemental adult probation services fund to supplement the salaries of probation officers.
- (B) It imposes an administration fee for each person placed on probation in a juvenile or adult court.
- (C) It requires the administration fee to be collected before any other probation user fee.
- (D) It allows a probation department to: (1) receive payment for fees by credit card; and (2) petition a court to impose or increase probation fees if the financial position of a person changes while the person is on probation.
- (E) It allows a court to: (1) enforce an order to pay probation user fees by lien or garnishing of wages; (2) impose an increased probation user fee in certain circumstances; and (3) issue an order preventing a person from receiving a driver's license or permit if the person is delinquent in payment of probation fees.

Effective Date: July 1, 2003.

Explanation of State Expenditures: *Provision E(3):* The number of probation violators who do not pay their probation user fees is a subset of the number of probationers who have their probation revoked for a technical violation. (A technical violation occurs when a probationer does not comply with the conditions and behaviors to which the individual agreed when being placed on probation. The violation is not for committing a new crime.)

During CY 2001, the number of adult felons and misdemeanants who had their probations revoked due to a technical violation was 8,350. Of these, the estimated percentage who intentionally failed to pay user fees

was not able to be determined.

This provision allows the sentencing court to issue an order to the Bureau of Motor Vehicles to not issue a license *if* the technical violator's license is already suspended. The number of technical violators who have suspended licenses is not known. The Bureau of Motor Vehicles would likely be able to absorb this task with their current budget and staffing levels.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Provision A:* Any changes in county expenditures for probation officer salaries will depend on the fiscal conditions of the county and if different arrangements are made by the county fiscal body as opposed to the court which employs the probation officers.

Under current law, the court which employs probation officers has sole authority to establish the salaries of probation officers as long as the salaries meet the minimal standards set by the Indiana Judicial Conference. Under this bill, the county fiscal body would adopt a salary schedule in consultation with at least one judge and at least one probation officer. The salary schedule would be required to meet the minimum compensation requirements of the Indiana Judicial Conference.

In CY 2001, counties employed an estimated 1,125 full-time and part-time probation officers and supervisory staff and spent \$35.2 M on salaries for these individuals. Probation user fees are to be used to cover a portion of the salaries of probation officers. In CY 2001, counties collected \$12.5 M in probation user fees, representing 35% of salary expenditures for probation officers.

Provision D and E may require additional court hearings. The added cost from these hearings, if they occur, is likely to be minimal. Allowing a person to pay by credit card may increase expenditures for probation departments if by law, county agencies are not permitted to pass on the vendor costs to the person on probation.

Explanation of Local Revenues: (Revised) *Provision B* adds a \$100 fee for administrative costs for felons and \$50 administrative fee for misdemeanants.

Provision C: Under current law, offenders on probation can be charged both an initial fee and a monthly fee. The following table shows both the existing fees and the proposed fees.

Monthly Probation User Fee				
	Current Statute		Proposed Fees	
	Min	Max	Min	Max
Felon	\$5	\$15	\$15	\$30
Misdemeanant	\$0	\$10	\$10	\$20
Juvenile	\$5	\$15	\$10	\$25

This provision and the added administrative fee for adult offenders on probation would add an estimated \$9.5 M to the supplemental adult probation user services fund. Both the increased juvenile probation user fees and the added \$100 administrative fee are estimated to generate \$1.1 M for juvenile probation officers.

Provision D and E: The added revenues will depend on the states from which these offenders are transferred

and the amount that these offenders pay in these states. During CY 2001, 822 felons were received in 79 counties from other states and 236 misdemeanants were received in 47 counties from other states..

State Agencies Affected: Indiana Judicial Center.

Local Agencies Affected: Trial courts, probation departments.

Information Sources: *2001 Judicial Report, 2001 Probation Report.*

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